# ATTACHMENT C-2

# EXHIBIT "A"
# SUPPLEMENT TO THE ENVIRONMENTAL REVIEW UPDATE CHECKLIST FOR GREGORY CANYON LANDFILL

This Exhibit "A" supplements the environmental review update checklist for the Gregory Canyon landfill FEIR. Each of the issues discussed in the environmental review update checklist is discussed in more detail below.

## I. AESTHETICS

The project would result in a significant aesthetic impact from the landfill footprint(FEIR p. 4.13-57). The aesthetic impacts of the landfill footprint would remain significant as to the landform quality even after the implementation of mitigation measures detailed on FEIR 4.31-59 through 4.13-69. (FEIR p. 4.13-69). The size and location of the landfill working face has not changed. The location of the SR-76 has not changed. Accordingly, this significant environmental impact remains the same.

## II. AGRICULTURAL RESOURCES

The FEIR found that the project would not significantly impact any agricultural resources in the area without mitigation. No portion of the project site was under a Land Conservation Act Contract at the time of certification of the FEIR, and no portion of the site is under a Williamson Act contract today. A detailed analysis of the site contained in Section 4.8 of the FEIR concluded the site lacked the characteristics to be effectively used for agricultural operations. Accordingly, the project will not create any significant impact on agricultural resources. No changes have been made to the project that would alter the analysis of agricultural impacts as stated in the FEIR.

## III. AIR QUALITY

The FEIR analyzed the air quality and health risk impacts of the prescriptive design alternative with a double liner system. The FEIR found that air quality and air toxic health risks from this alternative would be similar to the proposed project as both include construction of the landfill, bridge/access road and the landfill and ancillary facilities. (FEIR p.6-81). Even though there would be some reduction in the amount of excavation and blasting, emissions from stationary and mobile heavy construction equipment would result in similar air emissions from this alternative and the proposed project and would result in significant and unmitigable $PM_{10}$ and $NO_x$ emissions. Air quality and air toxics health risks during operations would be similar to the proposed project since both have the same daily average and maximum waste intake rates. The FEIR found the potential impacts to health risks would be similar for a prescriptive design with a double liner alternative and the proposed project. (FEIR p.6-81). Therefore, no additional air quality or health risks impacts would occur with the prescriptive design and double liner

alternative. No other changes have been made in the project that would alter the air quality impact analysis or the mitigation measures that were adopted when the FEIR was certified on February 6, 2003. There have not been any changes in any of the air quality standards discussed in the FEIR that would alter any of the air quality analysis contained in the FEIR.

## IV. BIOLOGICAL RESOURCES

Impacts to biological resources caused by the project are based upon disturbance of these resources as a result of aboveground project construction and operation. No aboveground changes have been made to the construction or operation of the project since the FEIR was certified. No species or habitat identified on the project site has been designated as threatened or endangered since the FEIR was certified on February 6, 2003. Focused surveys for arroyo toad and least Bell's vireo completed in 2003 confirmed previous surveys of these species on the site and did not alter any of the analysis in the FEIR. A 2003 focused survey for southwestern willow flycatchers did not identify any of these species on the site. The FEIR had previously identified two southwestern willow flycatchers on the site. (FEIR p. 4.9-44). As noted in the FEIR, at least 1313 acres of the project site will be designated open space for the long-term protection of sensitive habitat and species. The plan to enhance and improve some of the San Luis Rey corridor discussed in the FEIR remains a required mitigation measure for the project and all mitigation measures will be made conditions of approval of the solid waste facility for the project. The analysis of biological impacts contained in the FEIR remains valid without change and each of the mitigation measures described to mitigate impacts to biological resources will be adopted.

## V. CULTURAL RESOURCES

Impacts to cultural resources caused by the project are based upon aboveground disturbance of these resources. No changes have been made to the project aboveground since the FEIR was certified that would alter any of the archeological or cultural resource impacts described in the FEIR. The significant and unmitigable impacts of the project to Gregory Mountain and Medicine Rock described in the FEIR are based upon the subjective judgment of the Luiseño. Objective data evaluating these impacts did not find the project would create significant impacts to either Gregory Mountain or Medicine Rock. No changes have been made to the project that would alter the cultural or archaeology impact analysis contained in the FEIR.

## VI. GEOLOGY AND SOILS

The FEIR evaluated impacts of the project upon geology and soils and found that with the mitigation measures adopted, the project would not result in any significant impacts to geology or soils. No changes have been made to the project that would alter any of the analysis of geology and soils as contained in the FEIR.

Studies of the project site have not identified the existence of any mineral resources on the site with the exception of rock. Some of the rock on site will be removed to excavate the landfill footprint and will be utilized as cover material as discussed in detail in the FEIR. No changes have been made to the project since certification of the FEIR that would alter any of the analysis of mineral resources as contained in the FEIR.

## VII. HAZARDS AND HAZARDOUS MATERIALS

Section 4.16 of the FEIR analyzed impacts of the proposed project upon human health and safety, Household Hazardous Waste Element, electromagnetic fields, short-term construction impacts, long-term operational impacts, and site closure impacts are discussed in the FEIR. State of the art environmental control and protection systems, hazardous waste inspection programs and employee training and site safety programs would reduce all potential impact on public health and safety to a less than significant level. No changes have been made to the project that will alter the analysis of human health and safety issues, including hazardous waste, as discussed in the FEIR.

## VIII. HYDROLOGY AND WATER QUALITY

In conjunction with the FEIR, detailed studies were completed to evaluate surface hydrology impacts to the proposed project. In November 1999, Nolte Associates completed a hydraulic and hydrology report evaluating impacts to the San Luis Rey Rivers 100-flood elevations and channel velocities as a result of improvements included as part of the proposed project. In November of 1999 Doctor Howard Chang, an acknowledged expert in surface water flow and flooding completed a fluvial study and bridge scour analysis to evaluate general scour and local scour for the bridge proposed as part of the project and to evaluate the impacts of the proposed road and bridge on both pipeline and the San Luis Rey River. In 1999 Brian A. Stirrat & Associates completed a 100-year undeveloped and developed hydrology study analysis to evaluate the size of the perimeter drain needed for the proposed project to ensure adequate capacity in the perimeter drain for a combined rupture of SDCWA pipelines in the area and a 100-year, 24 hour storm. These hydrology studies are contained in Appendix “H” of the FEIR. No changes have been made to the project that will alter any of the hydrology impacts of the project as described in the FEIR.

Detailed hydrogeological investigations of the project site have also been completed over 11 years commencing in 1989. The first hydrogeological investigation was completed by Geotechnical Consultants in 1989. The hydrogeology of the project site was reevaluated by Geraghty & Miller in 1988 and again in 1990. Woodward-Clyde performed a fourth hydrogeologic investigation of the project site in 1995. A fifth hydrogeologic investigation of the site was completed by GeoLogic Associates in 1998. This fifth hydrogeologic investigation included the drilling of 15 boreholes into the crystalline bedrock at the site. This probe allowed direct physical observation of the fractures and flow rates in the groundwater associated with the project site.

Selection of the prescriptive design with the double composite liner system reduces potential impacts to groundwater resources in the area caused by the proposed project. With this alternative, the waste containment system will be constructed at least five feet above the highest anticipated groundwater level thereby providing additional separation between groundwater resources and future refuse as compared with the project. In addition, this alternative includes a multi- layer composite liner system. These additional layers of liner substantially reduce the risk of a hole or tear in one of the layers of the liner system, which would permit leachate to be transported thorough the entire liner system. The Regional Water Quality Control Board has determined that a double composite liner system would be more protective of groundwater resources in the area.

No other changes have been made in the project that would alter any if the hydrology or hydrogeology impacts of the proposed project.

## IX. LAND USE AND PLANNING

Proposition "C" adopted by the voters of the County in 1994 designated the site solid waste in the County's general plan and zoning ordinance. The proposed landfill is therefore clearly consistent with the adopted general plan and zoning ordinance. A detailed analysis of the project's consistency with all elements of the County's general plan and community plans is contained in Appendix E of the FEIR. This analysis found that the proposed project is consistent with all of the elements and goals of the County's general plan and all applicable community plans for the project area. No changes have been made to the County's general plan or the community plan since the FEIR was certified on February 6, 2003 altering this consistency analysis.

The Gregory Canyon landfill was designated as a tentatively reserved landfill site in the County's Integrated Waste Management Plan adopted September 16, 1996 by the County Board of Supervisors and a majority of the cities and became a reserved site when the Court of Appeal upheld Proposition "C" in 1997. An update of the Siting Element of the County's Integrated Waste Management Plan has recently been completed and is scheduled for consideration by the Board of Supervisors in July 2004.

State solid waste law mandates preparation of a Countywide siting element that identifies areas for the location on new solid waste facilities capable of providing not less than fifteen years of permitted disposal capacity for its region. (Public Resources Code §41701). The siting element is required to "demonstrate that there is a county-wide or region wide minimum of fifteen years of combined permitted disposal capacity through existing or planned solid waste disposal and transformation facilities". (14 Cal. Code Regs §18755(a)).

A detailed analysis of the solid waste needs of the San Diego region was completed in December 2003 as part of an update of the County's Siting Element. This analysis indicated that solid waste disposal within the San Diego region will increase from approximately 3.7 million tons in 2002 to 6.1 million tons by the year 2010. (Draft Siting Element p. SE-11). Without additional permitting capacity, the San Diego region will run out of existing permitting capacity by the year 2007. (Draft Siting Element p. SE-11, Table 3.4). The analysis indicated that expansion of the Sycamore Landfill alone would not allow the County to achieve the fifteen years of permitted capacity within the county. The analysis determined that the proposed expansion of the Sycamore Landfill and operation of the Gregory Canyon landfill are necessary together to achieve fifteen years of permitted capacity. The County therefore has determined that the Gregory Canyon landfill is necessary to achieve 15 years of permitted capacity for the San Diego region.

## X. MINERAL RESOURCES

No supplemental information related to mineral resources is necessary.

## XI. NOISE

A noise assessment of the Gregory Canyon landfill was prepared by Mestre Greve Associates in 1999 and was updated by PCR Services Corporation in 2002. In addition, ambient noise measurements were conducted in November 2000 by PCR Services

Corporation. These noise studies are contained in Appendix "J" of the FEIR. Vibration studies for the project were also completed and are contained in Appendix "J". Both noise and vibration impacts are based upon aboveground disturbances. No changes have been made in the above-ground disturbances of the project since the FEIR was certified on February 6, 2003 changing any of the noise or vibration impacts of the projects as discussed in Section 4.6 of the FEIR.

## XII. POPULATION AND HOUSING (SOCIOECONOMICS)

The FEIR analyzed the impacts of the project on population and determined that the project would require approximately 20 new full-time plant operations jobs. Assuming an average household size of 2.78 persons, this resulted in a maximum of approximately 56 new persons who may permanently move to the area due to the project. This increase represents a 1% increase in the total 1998 population within the Pauma region. The number of full-time jobs needed for the project has not changed since the FEIR was certified in February 2003. Accordingly, the impacts of the project on population have not changed. The FEIR indicated that the proposed project may create the need for approximately 20 additional houses in the Pauma area. There is available housing in the area substantially exceeding this number as indicated in the County's Housing Element and the FEIR. The project will create a maximum influx of 56 new persons assuming some or all of them are not drawn from neighboring communities. This influx is too small to adversely impact any recreational facilities in the area.

## XIII. PUBLIC SERVICES

No supplemental information associated with public services is necessary.

## XIV. RECREATION

No supplemental information associated with recreation is necessary.

## XV. TRANSPORTATION / TRAFFIC

The traffic analysis contained in the FEIR significantly overstates expected traffic impacts of the project. The traffic analysis was based on the assumption that the project would receive at peak 5,000 tons per day of MSW. The solid waste permit will limit the project to 1 million tons per year or approximately 3,200 tons per day. The FEIR concluded that the project would not reach a maximum capacity of 1 million tons per year until the year 2015. (FEIR p. 4.5-11). At that time, it is expected that the project would generate 1,410 daily trips and not the 2,085 daily trips assumed in the traffic analysis contained in the FEIR. Thus, the FEIR concludes the traffic analysis overstates the daily trips for the project by approximately 675 trips per day. (FEIR p.4.5-11). The adoption of the prescriptive design with the double composite liner system will reduce the daily trips contained in the FEIR. The FEIR notes that with selection of the prescriptive design with the double composite liner system, during initial construction this alternative would result in a reduction of 108 truck trips per day associated with reduced excavation and a reduction of approximately 104 truck trips a day during periodic construction. (FEIR p.6-80).

Following certification of the FEIR on February 6, 2003 several comments were received questioning the ability of the project to utilize riparian water for project construction and

operation. As indicated in the section on utilities and service systems in this document, the project has a number of water sources available to it beyond riparian water. In the unlikely event that none of these sources of water are available, water would be trucked to the site for both construction and operation.

The FEIR concludes that maximum water demand for the project is during construction and periodic construction which will require a maximum of 205,000 gallons per day. (FEIR p. 4.15-8). Each water truck is capable of providing approximately 2,300 gallons to the site. This results in approximately 89 one-way truck trips per day. (205,000 gallons per day ÷ 2,300 gallons = 89). This equates to in 178 daily two-way truck trips. Applying the passenger car equivalent conversion factor contained in the FEIR of 1.5 results in a maximum daily increase in project traffic based upon passenger car equivalents of 270 trips per day. Approval of the prescriptive liner with the double composite liner system has reduced daily project trips by 104 trips per day (FEIR p. 6-80) leaving a net increase of approximately 163 daily trips.

The FEIR overstated truck trips for the project by approximately 675 trips per day. (FEIR p. 4.5-11). Changes to the project results in the FEIR overstating daily trips for the project by approximately 512 trips per day, even assuming all required water has to be trucked to the site. (675 – 163 = 512 trips per day). Thus both traffic and traffic-related impacts evaluated in the FEIR still overstate project traffic and traffic related impacts by approximately 512 trips per day. Consequently, traffic impacts of the project will remain less than those analyzed in the FEIR by a substantial margin after project changes are considered.

## XVI. UTILITIES AND SERVICE SYSTEMS

Public services and utilities for the project are discussed in Section 4.15 of the FEIR. No natural gas is needed for the project during construction or operation. SDG&E has indicated that electric service to the project site can be accommodated from the Pala substation. Pacific Bell has indicated it can serve the project for telephone service. For fire protection services, the project site is located in a State Responsibility Area and within the sphere of influence of the North County Fire Protection District. The California Department of Forestry operates the Rincon station located 12 miles east of the project site with a response time of 10 to15 minutes. The NCFPD operates a fire station five miles east of the landfill site that would also respond to fires under mutual aid agreements. Law enforcement services for the project site are provided by the San Diego County sheriff's department. The project site is located in B 801, which is served by the Valley Center substation located approximately 15 miles south of the project site. The average response time to emergency calls in B 801 is approximately 11 minutes.

Storm water drainage facilities required to accommodate surface flow on this site have been included as part of the original project. The perimeter drainage channel for the project has been designed to handle peak flows that occur under a combination of a 100-year 24-hour flood, in combination with a complete simultaneous rupture of existing SDCWA pipelines 1, 2, and future pipeline 6. Water in the perimeter channels will flow to the desilting basins where it will be tested. No changes have been made to the project or to the utilities services available in the area that would alter any of the public services and utilities analysis contained in the FEIR.

A number of existing productive wells exist on the project site that are capable of providing water needed during construction and operation of the project. Testing of

these existing wells prior to certification of the FEIR indicated these existing wells are capable of producing approximately 1,000 acre feet per year of water. (FEIR p. 4.3-16). During initial construction, the project will utilize approximately 165 acre-feet per year of water. During periodic construction and operation, the project will utilize approximately 193 acre-feet per year of water. (FEIR pp. 4.15-7, 4.15-8). Existing productive wells on the project site therefore have ample water to serve the project during both construction and operation.

Several commentators have recently written letters to the LEA asserting that the project may be unable to utilize riparian water derived from existing or future wells on the project site to fulfill the project's water needs. These commentators have also asserted that a water supply assessment is mandated for the project under Water Code §10915(g).

Several comments have been received suggesting that the sole source of riparian water available to the project is water from the San Luis Rey River. In actuality, the project has three (3) sources of riparian water available to it as follows: (1) riparian water from the San Luis Rey River; (2) riparian water from the subterranean stream; and (3) percolating groundwater. Each of these sources of water is discussed in some detail in the FEIR. The San Luis Rey River passes through a number of parcels included as part of the project. (FEIR Exhibit 3-2). Riparian water from the San Luis Rey River is available to serve these parcels.

The FEIR for the project analyzed groundwater resources on the site and determined that these consisted of both an alluvial aquifer that extends to the landfill footprint and a bedrock aquifer that derives its water from percolation. (FEIR p. 4.3-8). Wells in the alluvium have yields from 10 to 400 gallons per minute. (FEIR pp. 4.3-2, 4.3-8). As noted in the FEIR, the State Water Resources Control Board ("SWRCB") has determined that groundwater in the alluvium of the Pala Basin is flowing in a subterranean stream. (FEIR p. 4.3-2; SWRCB Decision 1645 (2002)). The alluvial basin for this subterranean stream on the project site remains an available source of riparian water for the project. The third source of riparian water available to the project is percolating groundwater not within the alluvial basin. Percolating groundwater may be transported across parcel lines on the project site to fulfill the project's water needs without a permit from the State Water Resources Control Board. (The Regional Board has indicated and Procopio concedes, that percolating groundwater may cross parcels. See also *City of Barstow* (2000), 23 Cal.4$^{th}$ 1224, 1240. Case says riparian right to take groundwater for use on any land within groundwater basin.)

Both the detailed hydrogeotechnical investigation of the project site and the FEIR document the existence of fractured bedrock on the project site that provides appreciable percolating groundwater. The FEIR notes that there are two distinct groundwater zones within Gregory Canyon, an alluvial aquifer, and "a bedrock hosted by the fractured tonalite that forms a substrate of the canyon". (FEIR p. 4.3-8). Twenty wells drilled in the fractured bedrock within the landfill footprint had estimated yield rates of 5 to 20 gpm. (GeoLogic Associates, Hydrogeologic Investigation (Phase 5, 1997) p. 34 (FEIR Appendix "G"); FEIR p. 4.3-8). Each of the parcels that comprise the Gregory Canyon landfill has one of these three sources of riparian water available to them.

It should be noted that the project has four (3) other sources of water available to it beyond the three sources of riparian water described above. The first source of this

water is appropriative water based upon the project's application for appropriation filed with the SWRCB on October 17, 1991 (Application No. 30038). (FEIR p. 4.15-9). The second source of water is water collected from the subdrain included as part of the project. The third source of water available to serve the project is through the use of water trucks to deliver water to the site. Data contained in Exhibit 4.3-2 of the FEIR indicates that there are ten existing wells located outside the landfill footprint. An additional twenty wells have been drilled within the proposed landfill footprint and along the periphery of the site. (GeoLogic Assoicates, Hydrogeologic Investigation (Phase 5, 1997) p.34). Testing of these wells prior to certification of the FEIR indicated these existing wells have the capacity to generate approximately 1,000 acre-feet per year of water. (FEIR p. 4.3-16). This far exceeds the project need of a maximum of 165 acre-feet per year during construction and a maximum of 193 acre-feet per year during operations. (FEIR p. 4.3-16). Each of these wells is clearly located in an alluvial aquifer or is derived from percolating groundwater that may be transported across parcel boundaries for the site. There is no evidence that one of the many sources of water available to the project cannot adequately accommodate all of the water needs of the project. In the unlikely event that none of these sources of water are available to serve the project, water will be trucked to the site.

A water supply assessment is not required for the Gregory Canyon project under Water Code §10915(g). Water Code §10914(d) expressly provides that the water assessment requirement applies only to projects for which a notice for preparation has been submitted on or after January 1, 1996. The notice of preparation for the Gregory Canyon landfill was submitted prior to January 1, 1996 and is not subject to this requirement. However, the water needs of the project and sources of water supply were fully evaluated in the FEIR.

No changes have been made to the project since the FEIR was certified on February 6, 2003 requiring any changes to the analysis of services and utilities, water service, or the storm water system as contained in the FEIR.

**PROPERTY ISSUES.**

Several letters have recently been received by the LEA questioning whether Proposition "C" amended the general plan and zoning ordinance for only 1683 acres on the project site. Several letters have also been received questioning whether the project applicant owns each of the parcels described. The LEA has investigated these issues.

The FEIR indicates that the Gregory Canyon site consists of approximately 1770 acres comprised of 38 parcels (FEIR p. 3-1). A licensed surveyor in the state of California, Mechoir Land Surveying, has recently obtained a preliminary title report on real property owned by Gregory Canyon and has prepared a map verifying the parcels owned by Gregory Canyon and the size of the site. This map verifies that Gregory Canyon owns 38 separate parcels as stated in the FEIR. The map indicates that the site consists of approximately 1769 acres in fee consistent with the 1770 acres contained in the FEIR. The land owned by Gregory Canyon as shown on the surveyor's map does not included Tax Assessor's Parcel No. 128-020-35 claimed to be owned by the United States government and part of the Pala Band Reservation.

The surveyor's map of the property owned by Gregory Canyon LTD is entirely consistent with the boundaries for the property shown on Exhibit 3-2 of the FEIR. The surveyor's map verifies that Gregory Canyon owns all of the 38 parcels referenced in the FEIR.

Several commentators have also suggested that Proposition "C" amended the general plan and zoning ordinance for the Gregory Canyon landfill site to designate only 1683 acres solid waste. In evaluating this issue, the LEA has examined all of the terms of Proposition "C" and all attached maps. The initiative defines the Gregory Canyon site as meaning the "approximately 1683 acres of land located off State Route 76 approximately 3 ½ miles east of the intersection of Interstate 15 and State Route 76" (Proposition "C" §8(B)). The exact acreage receiving the solid waste designation is not specified in the initiative. However, a map provided to the voters in the form of Figure 2 attached to the initiative does indicate the boundaries of the site. The boundaries of the site as shown on Figure 2 of the initiative has been compared to the boundaries of the site as shown on Exhibit 3-2 of the FEIR. These boundaries clearly match. The boundaries of the site as shown on Figure 2 have also been compared with the boundaries of the site as completed by the surveyor, Melchoir Surveying. The boundaries also match. Thus, the boundaries of the site as shown in Proposition "C", the FEIR, and included in the solid waste facility permit match and are all consistent. The surveyor has calculated that the acreage identified within these boundaries is 1769 acres. The additional 86 acres calculated by the surveyor deviates from the "approximately" 1683 acres referenced in the initiative by approximately 5 percent.

However, the key question is not whether Proposition "C" designated only 1683 acres of the site solid waste, but whether Gregory Canyon has the right to engage in solid waste operations within the area of the site described in the FEIR and its solid waste permit. A solid waste general plan or zoning designation is not necessary for the balance of the acreage on the site that will be dedicated as permanent open space under Proposition "C". (Section 3B). The FEIR indicates that approximately 308 acres of the project site will be utilized for solid waste operations (FEIR p. 3-5). Only the portion of the project site being used for solid waste operations needs to be designated solid waste in the County's general plan and zoning ordinance.

A review of Proposition "C" clearly indicates that the voters granted broad discretion to Gregory Canyon to determine both the size and location of all solid waste operations within the Gregory Canyon site. Proposition "C" provides that the "Applicant shall be entitled to adjust the size and location of solid waste operations and to alter the proposed facilities based upon a detailed site plan to be submitted to the Integrated Waste Management Board for its review and approval as part of the solid waste facilities permit". (Section 3A). Proposition "C" defines the project to mean the recycling collections center and landfill and associate structures and improvements "as described in Section 3 of this initiative measure as subsequently modified by a detailed site plan submitted by Applicant to the Integrated Waste Management Board as part of the solid waste facilities permit" (Section 8D).

A review of these sections of the initiative leaves no doubt that the voters granted broad discretion to Gregory Canyon to determine both the size and nature of solid waste operations within the Gregory Canyon site and where they should be located on the site. Gregory Canyon has exercised this authority by now indicating its intent to operate solid waste operations on approximately 308 acres of the site. Since it is clear that Proposition "C" designated at least 1683 acres of the site solid waste, Gregory Canyon

is clearly entitled to use 308 acres of the site for solid waste operations. The balance of the site will be designated as open space as provided in the initiative.